

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Willie Sligh, #247968,)	
)	C/A No. 3:07-719-MBS
Petitioner,)	
)	
vs.)	
)	OPINION AND ORDER
Colie Rushton, Warden of MCCI,)	
)	
Respondent.)	
_____)	

Petitioner Willie Sligh is an inmate in custody of the South Carolina Department of Corrections. On March 14, 2007, Petitioner, proceeding pro se, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

This matter is before the court on motion for summary judgment filed by Respondent on August 29, 2007. On September 4, 2007, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the summary judgment procedure and the possible consequences if he failed to respond adequately. Petitioner failed to respond to the motion for summary judgment. On October 16, 2007, an order was issued directing Petitioner to notify the court as to whether he wished to continue to prosecute the within action. Petitioner filed no response to the October 16, 2007 order.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On November 2, 2007, the Magistrate Judge issued a Report and Recommendation in which he recommended that the petition be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and/or comply with orders of the court. Petitioner filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the petition is dismissed, with prejudice, pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

January 7, 2008

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.